

AGENDA  
CODES AND STANDARDS COMMITTEE  
2006 BUILDING AND FIRE CODES  
November 16, 2006

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To: Board of Housing and Community Development's Codes and Standards Committee  
From: Emory Rodgers, Deputy Director, Building and Fire Regulations-DHCD  
Date: November 6, 2006  
Subject: November 16, 2006 1<sup>st</sup> Codes and Standards Committee Meeting Other Code Issues

Chairman Tom Fleury and Members of the Committee:

As we commence the process to adopt the 2006 Uniform Statewide Building Code (USBC), the Statewide Fire Prevention Code (SFPC), the Virginia Amusement Device Regulation (VADR), the Virginia Certification Standards (VCS), the Industrialized Building Regulations (IBR) and the Manufactured Housing Safety Regulations (MHSR), I wanted to provide you with a list of some model code issues and brief you on several initiatives underway to be considered for our final adopted set of regulations.

1. 2006 IBC has decreased the number of occupants from 50 to 49 before you need a 2<sup>nd</sup> exit from a space in T1015.1 and from a building in Table 1019.3. A number of interest groups (owners and design professionals) are opposed to what they view as an arbitrary reduction without data of a problem. The cost to now add a 2<sup>nd</sup> door to many conference rooms is felt not to be justified. It is likely a code change will be submitted to go back to 50 occupants. Also, the number of persons for a child care facility was set at 10 for one exit spaces and buildings. Again, we need to analyze the impact with our state agencies who licenses these facilities to ensure there aren't unintended consequences.

2. 2006 IFC 901.9 adds a new section for fire protection components that are under voluntary or mandatory Consumer Product Safety Commission recall would all the fire official to have those components replaced. The SFPC already deals with defective sprinklers and devices found not to be operating properly or the listing is pulled, then the SFPC allows fire officials to take action. On the other hand this would mean the SFPC wouldn't have to find and develop its own standard for a defective component. To incorporate this into the SFPC and link with the USBC for permits, there maybe some adjustments necessary in where the section would be placed. We probably need to keep our defective sprinkler standard because another defective sprinkler has been found and CPSC hasn't issued, after 2-years of evaluations, any recall notice. We also need to be consistent on the application of such a section that is based on federal law or regulations; that time frames for compliance are consistent; that owners understand a written notification to the fire official doesn't preclude the necessary USBC permits and plans are not necessary to be done and inspections obtained upon completion of the work; and, that are the terms and conditions specified in the CPSC orders also part of the enforcement by fire officials? For example the Tyco voluntary defective sprinkler recall is now 5 years underway with probably another two years here in Virginia to meet our goal of 90% replacement. Would fire official A give one year and fire official B three years?

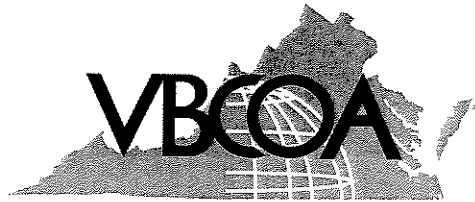
3. 2006 IRC 602.10 for wall bracing will be amended to reflect a number of Virginia and national changes approved for the 2009 IRC. The agency, VBCOA and HBAV have been working for over a year in-state and at the national level to bring clarity to this section and place it into an easy to read format. We feel that the code changes that will be submitted would achieve these two purposes. From a technical standpoint there will also be changes providing

better direction for the builders, framers, design professionals, plan reviewers and inspectors on what is acceptable for the 80% of the homes built within the state. There would remain some technical issues to come to consensus at the ICC level for the 2<sup>nd</sup> code change cycle for the 2009 IRC. Virginia has been extremely well served by the dedication and work effort volunteered by Dan Casey of Quaker Homes, Brain Foley, Fairfax County and Chuck Bajnai, Chesterfield County. There were other folks who also contributed to this effort here and at the ICC level, but these three deserve special recognition.

4. In-building emergency communication system: DHCD has formed an ad-hoc committee to try and see if a consensus is possible for a code change that addresses the issues in a way that brings balance on one hand for public safety personnel to communicate inside of some buildings and on the other hand to ensure owners aren't somehow faced with some liability or unknown costs at the time of construction or later where the requirements imposes a standard of performance that might be out of their control. If there is success, then the Board would have fulfilled its charge established in the Code of Virginia §36-99.6.2 to promulgate regulations. The first meeting was held on October 31, 2006 with representatives from fire chiefs, firefighters, building officials and building owners. The next two meetings will be January 9, 2007 and March 13, 2007. For the January 9<sup>th</sup> meeting a new code change will be prepared that would try to prioritize the covered buildings to a more acceptable level and to focus on passive systems that would enable owners to be more supportive by removing some of the more complicated and uncertain issues from the efforts undertaken since 2003 by all the impacted parties. The 1<sup>st</sup> meeting was an excellent meeting because everyone was willing to recognize there are still enormous technical issues, costs and federal presence, but by thinking outside the box it might be possible to come to consensus with a baseline set of requirements different then the 2003-2005 efforts.

5. 2006 SFPC IFC 3806.4: The Virginia Propane Gas Association has filed a code change to extend for 5 years from the effective date of the 2006 SFPC to recertify older DOT propane tanks for their permanent usage. Meetings have been held and others are planned on this code change. Industry states they have thousands of propane tanks already in violation of the 12 year period allowed in the 2003 SFPC because that date was based on a national standard already several years old when the state adopted the language. The fire and building officials to date are opposed to an extension.

6. International Wildfire Urban Interface Code: The Fire Services Board Code Committee is evaluating this ICC model code for use and applicability here in Virginia. They understand that trying to adopt it as a separate code presents some integration problems with our hierarchy of codes and interface with both the USBC and the SFPC. They are looking at the non-building elements of the IWUIC dealing with clear areas, vegetation and access. The game plan would be to vet these code changes with the impacted parties during the public comment periods and the public hearings to discern what issues are present; what problems now or will exist; what format and application issues need to be addressed; and, where can consensus be achieved during this 2006 code change cycle.



**VIRGINIA BUILDING & CODE OFFICIALS ASSOCIATION**

October 4, 2006

Emory Rodgers  
Deputy Director for the Division of Building and Fire Regulation  
Virginia Department of Housing and Community Development  
501 North Second Street  
Richmond, VA 23219

Dear Mr. Rodgers:

On behalf of the over 900 members of the Virginia Building and Code Officials Association I would like to urge the Board of Housing and Community Development to continue to use the International Code Council (ICC) family of codes as the model codes on which to base the 2006 Virginia Uniform Statewide building codes. As the BOCA National codes that were used statewide since 1973 have evolved into the ICC family of codes it is the appropriate and logical choice to continue using the ICC codes in Virginia. The ICC codes will provide for the greatest level of safety, cost benefit and usability throughout the Commonwealth of Virginia. No other model code exists that is superior to the ICC code family in safety, cost or usability. Numerous, technical, training and cost comparisons have been performed and submitted to DHCD over the past years that clearly support the use of the ICC family of codes over all other choices and those comparisons are still valid. Virginians have been involved in the development and maintenance of the ICC family of codes since the ICC codes were drafted. Virginians sit on the development committees, submit a substantial portion of the code changes and sit on the ICC Board of Directors. The International Code Council (ICC) family of codes are literally the Virginia codes.

Cordially,

Ronald W. Clements Jr., CBO  
President  
Virginia Building and Code Officials Association

# DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

(Use this form to submit changes to building and fire codes)

Address to submit to:	Document No. _____
DHCD, the Jackson Center 501 North Second Street Richmond, VA 23219-1321	Committee Action: _____
Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.state.va.us	BHCD Action: _____  10/26/06
Submitted by: <u>John Catlett</u> Representing: <u>VBCOA</u>	
Address: <u>401 Lafayette Street; Williamsburg VA 23185</u> Phone No.: <u>(757) 220-6135</u>	
Regulation Title: <u>Virginia New Construction Code</u> Section No(s): <u>103.11</u>	
<p>Proposed Change:</p> <p><b>103.11 Functional design.</b> The following criteria for functional design is in accordance with Section 36-98 of the Code of Virginia. The USBC shall not supersede the regulations of other state agencies which require and govern the functional design and operation of building related activities not covered by the USBC including but not limited to (i) public water supply systems, (ii) waste water treatment and disposal systems, (iii) solid waste facilities. Nor shall state agencies be prohibited from requiring, pursuant to other state law, that buildings and equipment be maintained in accordance with provisions of this code. In addition, as established by this code, the building official may refuse to issue a permit until the applicant has supplied certificates of functional design approval from the appropriate state agency or agencies. For purposes of coordination, the locality may require reports to the building official by other departments <u>or agencies indicating compliance with their regulations applicable to the functional design of a building or structure</u> as a condition for issuance of a building permit or certificate of occupancy. Such reports shall be based upon review of the plans or inspection of the project as determined by the locality. All enforcement of these conditions shall not be the responsibility of the building official, but rather the agency imposing the condition.</p> <p><b>Note:</b> Identified state agencies with functional design approval are listed in the "Related Laws Package" which is available from DHCD.</p>	
Supporting Statement: Clarifies that failure to receive approval from state and local agencies for functional design issues relating to construction can be grounds to withhold a permit or occupancy permit.	

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<table><tr><td>Submitted by: John Catlett (Rick Witt)</td><td>Representing: Virginia Building and Code Officials Assoc.</td></tr><tr><td>Address: P.O. Box 40, Chesterfield, Virginia 23832</td><td>Phone No.: (804) 751-4161</td></tr><tr><td>Regulation Title: Virginia Construction Code</td><td>Section No(s): 112.3</td></tr></table>			Submitted by: John Catlett (Rick Witt)	Representing: Virginia Building and Code Officials Assoc.	Address: P.O. Box 40, Chesterfield, Virginia 23832	Phone No.: (804) 751-4161	Regulation Title: Virginia Construction Code	Section No(s): 112.3
Submitted by: John Catlett (Rick Witt)	Representing: Virginia Building and Code Officials Assoc.							
Address: P.O. Box 40, Chesterfield, Virginia 23832	Phone No.: (804) 751-4161							
Regulation Title: Virginia Construction Code	Section No(s): 112.3							
<p>Proposed Change:</p> <p>112.3 Documentation and approval. In determining whether any material, equipment, device, assembly, or method of construction complies with this code, the building official shall approve items listed by nationally recognized testing laboratories (NTRL), when such items are listed for the intended use and application, and in addition, may consider the recommendations of RDP's. Approval shall be issued when the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, equipment, device, assembly or method of construction offered is, for the purpose intended, at least the equivalent of that prescribed by the code, <del>in quality, strength, effectiveness, fire resistance, durability, and safety.</del> Such approval..... (remainder of text unchanged)</p>								
<p>Supporting Statement: When a code official attempts to determine if any material, equipment device, etc. is approvable for use he/she will make a judgement based on the intent of the code. A laundry list of items is unnecessary and tends to leave out other factors and the items listed are somewhat subjective.</p>								

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<p>Submitted by: <u>John Catlett</u> Representing: <u>VBCOA</u></p> <p>Address: <u>401 Lafayette Street; Williamsburg VA 23185</u> Phone No.: <u>(757) 220-6135</u></p> <p>Regulation Title: <u>Virginia New Construction Code</u> Section No(s): <u>115.2.1</u></p>		
<p>Proposed Change: <b>115.2.1 Notice not to be issued under certain circumstances.</b> When violations are discovered more than two years after the certificate of occupancy is issued or the date of initial occupancy, whichever occurred later, or more than two years after the approved final inspection for an alteration or renovation, a notice of violation shall only be issued upon advice from the legal counsel of the locality that action may be taken to compel correction of the violation. When compliance can no longer be compelled by prosecution under Section 36-106 of the Code of Virginia, the building official, <u>when requested by the building owner</u>, shall document <u>in writing</u> the existence of the violation <u>and</u> <u>noting</u> the edition of the USBC the violation is under.</p>		
<p>Supporting Statement: The code change is intended to clarify the method of documentation and where to store it when required by the section.</p>		

2006

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<b>Submitted by:</b> <u>Michael D. Redifer</u> <b>Representing:</b> <u>City of Newport News</u>		
<b>Address:</b> <u>2400 Washington Avenue Newport News, VA 23607</u> <b>Phone No.:</b> <u>757-926-8861</u>		
<b>Regulation Title:</b> <u>Virginia Construction Code</u> <b>Section No(s):</b> <u>R303.9</u>		
<b>Proposed Change:</b>  R303.9 Insect screens. Every door, window and other outside opening required for ventilation purposes shall be supplied with approved tightly fitted screens of not less than 16 mesh per inch and every swinging <u>screen</u> door shall have a self-closing device.		
<b>Supporting Statement:</b>  This proposal is to clarify that the self-closing device need not be installed on the door referenced in the beginning of the section.		



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<p>Submitted by: <u>William J. Hall</u> Representing: VA Building and Code Officials Association</p> <p>Address: <u>P.O. Box 12164</u> <u>Richmond VA 23241</u> Phone No.: <u>804-649-8471</u></p> <p>Regulation Title: VA Uniform Statewide Building Code_ Section No(s): <u>IBC 3109, Chapter 35</u></p>		

Proposed Change:

SECTION 3109  
SWIMMING POOLS, SWIMMING-POOL ENCLOSURES AND SAFETY DEVICES

**3109.1 General.** Swimming pools shall comply with the requirements of this section and other applicable sections of this code.

**3109.2 Definition.** The following word and term shall, for the purposes of this section and as used elsewhere in this code, have the meaning shown herein.

**SWIMMING POOLS.** Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

**3109.3 Public swimming pools.** Public swimming pools shall be completely enclosed by a fence at least 4 feet (1290 mm) in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4-inch-diameter (102 mm) sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.

**3109.3.1 Design.** Design and construction of public swimming pools shall be in accordance with 3109.3.1.1 through 3109.3.1.2

**3109.3.1.1 Public swimming pools.** Public swimming pools shall be designed and constructed in conformance with ANSI/NSPI-1 as listed in Chapter 35

**3109.3.1.2 Public Spas.** Permanently installed public spas shall be designed and constructed in conformance with ANSI/NSPI-2 as listed in Chapter 35

Remainder un-changed

Chapter 35  
Referenced Standards

<u>ANSI/NSPI-1 - 2003</u>	<u>Public Swimming Pools</u>	<u>3109.3.1.1</u>
<u>ANSI/NSPI-2 - 2003</u>	<u>Public Spas</u>	<u>3109.3.1.2</u>

**Supporting Statement:**

Currently the building code does not give guidance or refer to a standard for the design and construction of Public swimming pools. This proposal attempts to provide that guidance by referencing the applicable standards. These standards are currently being used in the International Residential Code for design and construction.

This issue will be addressed in the next cycle of code development at the National level.

# **VIRGINIA CONSTRUCTION CODE**

## **ADMINISTRATIVE PROVISIONS**

**DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM**  
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Submitted by: <u>Karl S. Cooler</u> Representing: <u>City of Roanoke</u> Address: <u>215 Church Avenue, SW, Room 170</u> Phone No.: <u>540-853-1144</u> Regulation Title: <u>When applicable to new construction</u> Section No(s): <u>USBC 103.2</u>		
<p>Proposed Change: Change Section 103.2 to read:</p> <p><b>103.2 When applicable to new construction.</b> Construction for which a permit application is submitted to the local building department after <del>November 16, 2005</del> <u>(date of adoption)</u>, shall comply with the provisions of this code, except for permit applications submitted during a <del>one-year</del> <u>ninety-day (90)</u> period after <del>November 16, 2005</del> <u>(date of adoption)</u>. The applicant for a permit during such <del>one-year</del> <u>ninety-day (90)</u> period shall be permitted to choose whether to comply with the provisions of this code or the provisions of the code in effect immediately prior to <del>November 16, 2005</del> <u>(date of adoption)</u>. <u>After this ninety-day period has expired and upon written application by an owner or an owner's agent, the building official may approve a modification as indicated in Section 106.3 of the code to allow the permit application to comply with the provisions of the code in effect immediately prior to (date of adoption).</u> This provision shall also apply to subsequent amendments to this code based on the effective date of such amendments. In addition, when a permit has been properly issued under a previous edition of this code, this code shall not require changes to the approved construction documents, design or construction of such a building or structure, provided the permit has not been suspended or revoked.</p>		
<p>Supporting Statement:</p> <p>The current provisions would allow a project to be submitted, reviewed, issued and inspected under a code that could possibly be nearly ten years old at the time of occupancy. Example: Submit November 15, 2006 under 2000 IBC Approved after review January 2007 Issued February 2007 Build Time 2-1/2 years Certificate of Occupancy issued August 2009</p> <p style="text-align: right;"><i>Karl S. Cooler</i> 7/25/06</p>		

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Submitted by: <u>John Catlett</u> Representing: <u>VBCOA</u>  Address: <u>401 Lafayette Street, Williamsburg VA 23185</u> Phone No.: <u>(757) 220-6135</u>  Regulation Title: <u>Virginia New Construction Code</u> Section No(s): <u>108.2</u>	
<b>Proposed Change:</b>  <p><b>108.2 Exemptions from application for permit.</b> Notwithstanding the requirements of Section 108.1, application for a permit and any related inspections shall not be required for the following; however, this section shall not be construed to exempt such activities from other applicable requirements of this code. In addition, when an owner or an owner's agent requests that a permit be issued for any of the following, then a permit shall be issued and any related inspections shall be required.</p> <ol style="list-style-type: none"> <li>1. -.7 Unchanged</li> <li>8. Ordinary repairs not including (i) the cutting away of any wall, partition or portion thereof; (ii) the removal or cutting of any structural beam or loadbearing support; (iii) the removal or change of any required means of egress; (iv) the rearrangement of parts of a structure affecting the egress requirements; (v) the addition to, alteration of, replacement of or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas or oil, soil, waste, vent or similar piping, electric wiring or mechanical work; or (vi) any other work affecting public health or general safety. However, ordinary repairs shall include, but are not limited to, the following:             <div style="margin-left: 20px;"> <p>8.1. Either within the dwelling unit in Group R-2 occupancies that are four stories or less in height or in Group R-3, R-4 and R-5 occupancies, <del>or both</del>, replacement of (i) either mechanical or plumbing equipment or appliances, or both, provided such equipment or appliances are not fueled by gas or oil; (ii) floor coverings or porch flooring, or both; and (iii) windows, doors <u>that do not require a fire rating</u>, electrical switches, electrical outlets, light fixtures or ceiling fans <u>in their same location without the addition or extension of drainage and vent lines/water supply lines or branch circuits</u>.</p> <p><b><u>8.2 Replacement of plumbing fixtures, electrical switches, electrical outlets and light fixtures in their same location without the addition or extension of drainage and vent lines/water supply lines or branch circuits in all use groups except H or dwelling units in an R-2 that are four story or less, R-3, R-4 and R-5 that are covered by provisions in 8.1.</u></b></p> <p>8.2.3 In Group R-3, R-4 or R-5 occupancies, replacement of either roof coverings or siding or the installation of siding, or both, provided the buildings or structures are not subject to wind speeds greater than 100 miles per hour (160 km/hr), determined in accordance with applicable requirements of this code.</p> <p><b><u>8.4 Replacement of roof sheathing as part of a re-roofing up to and including 100 sq. ft. unless it was required at time of original construction to be noncombustible or fire retardant treated (FRT) sheathing material</u></b></p> <p><b><u>8.5 Roofing in use groups R-1, R-2 and all non-residential use groups up to and including 100 sq. ft. in all wind zones.</u></b></p> <p>8.3.6 Installation of cabinets... <u>(Change submitted to this section.)</u></p> </div> </li> <li>9. -10. Unchanged</li> </ol>	

**Supporting Statement:**

8.1: Current language does not recognize that corridor doors in some R-2 occupancies may require a fire resistant rating. Language clarifies that these doors, although some may interpret that these doors are located within a dwelling unit, require permit and inspection to make sure that the appropriate labeled door, frame and hardware are reinstalled when necessary to maintain a required fire rating. The second part of this change is to clarify that the replacement of the exempted residential fixtures and equipment does not include the addition of other regulated items that would require permit and inspection.

8.2: The new 8.2 language reflects actual practice in the field. Although the replacement of equipment (exempted in 8.1 for residential occupancies) should be regulated as there may be required safety or protection features that are field installed, individual electrical devices being replaced that do not requiring additional wiring and plumbing fixtures that are placed back on existing plumbing piping are not routinely permitted and inspected.

8.4: The addition of this language is intended to clarify that roof sheathing is not the same as roof finish replacement. It is not uncommon to replace damaged or rotted sheathing as part of a roof replacement. However, the sheathing forms part of the structure and can be an important part of the building design. Many roof replacements at townhouses and other residential occupancies involve replacing deteriorated FRT plywood in a 4 foot area adjacent to fire walls between units. This practice has been used for many years to replace parapet fire walls. Typically, permits are not received and the material replaced with non FRT plywood. The resulting laps in the required fire preventive material can lead to the spread of fire between units.

8.5 Establishes a threshold between ordinary repairs and roof replacement that requires permits in the referenced use groups.

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Email: bhcd@dhcd.state.va.us

Document No. \_\_\_\_\_

Committee Action: \_\_\_\_\_

BHCD Action: \_\_\_\_\_

10/26/06

Submitted by: John Catlett Representing: VBCOA

Address: 401 Lafayette Street, Williamsburg VA 23185 Phone No.: (757) 220-6135

Regulation Title: Virginia New Construction Code Section No(s): 108.2

## Proposed Change:

**108.2 Exemptions from application for permit.** Notwithstanding the requirements of Section 108.1, application for a permit and any related inspections shall not be required for the following; however, this section shall not be construed to exempt such activities from other applicable requirements of this code. In addition, when an owner or an owner's agent requests that a permit be issued for any of the following, then a permit shall be issued and any related inspections shall be required.

(1 -7 unchanged)

8. Ordinary repairs not including (i) the cutting away of any wall, partition or portion thereof; (ii) the removal or cutting of any structural beam or loadbearing support; (iii) the removal or change of any required means of egress; (iv) the rearrangement of parts of a structure affecting the egress requirements; (v) the addition to, alteration of, replacement of or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas or oil, soil, waste, vent or similar piping, electric wiring or mechanical work; or (vi) any other work affecting public health or general safety. However, ordinary repairs shall include, but are not limited to, the following:

8.1. Either within the dwelling unit in Group R-2 occupancies that are four stories or less in height or in Group R-3, R4 and R-5 occupancies, or both, replacement of (i) either mechanical or plumbing equipment or appliances, or both, provided such equipment or appliances are not fueled by gas or oil; (ii) floor coverings or porch flooring, or both; and (iii) windows, doors, electrical switches, electrical outlets, light fixtures or ceiling fans.

8.2. In Group R-3, R-4 or R-5 occupancies, replacement of either roof coverings or siding or the installation of siding, or both, provided the buildings or structures are not subject to wind speeds greater than 100 miles per hour (160 km/hr), determined in accordance with applicable requirements of this code.

8.3. Installation of cabinets, painting, replacement of interior floor finish or interior covering materials, or both, and repair of (i) plaster, (ii) interior tile, and (iii) any other interior wall covering.

### Exception:

A permit is required for the replacement of an interior wall finish material that is:

1. Part of a required fire rated assembly; or

2. Required to have a Class 1 or Class 2 interior finish requirement in A, E and I occupancies


(9 -10 unchanged)



Supporting Statement: The existing 2003 USBC language exempts all interior wall finish replacements. If the interior wall finish also forms part of a required fire rated assembly (Fire Wall, Fire Partition, Fire Barrier, Smoke barrier), then a permit should be secured and inspections conducted to make sure that the proper material is utilized and installed to maintain the fire resistive rating. Many times, required fire rated materials (rated gypsum wall board) is replaced with a non-rated material when it becomes damaged. Improper fasteners may be used or not correctly spaced and through penetrations are not properly sealed. Common places where this occurs is in dwelling unit separations in apartments and townhouses, guest room separations in hotels, and in required fire rated corridors in all occupancies. The current exemption from permits should not be extended to these assemblies so that proper inspections undertaken to insure code compliance.

In addition, interior wall finishes are regulated in Chapter 8 (Section 803) and in other areas of the code such as Section 411.8 for special amusement buildings. The flame spread and smoke development potential is a critical element in occupant safety, especially in areas with high occupant loads or where building occupants are incapable of self preservation. Interior finishes are frequently changed in restaurants, night clubs, museums and other places of public assembly. The code change recognizes that use groups A, E and I include the hazards noted above and the replacement of code regulated interior finishes should not be exempted from permits (and ultimately inspections) to insure compliance.

**DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM**  
(Use this form to submit changes to building and fire codes)

<p>Address to submit to:</p> <p>DHCD, the Jackson Center 501 North Second Street Richmond, VA 23219-1321</p> <p>Tel. No. (804) 371 - 7150 Fax No. (804) 371 - 7092 Email: bhcd@dhcd.state.va.us</p>		<p>Document No. _____</p> <p>Committee Action: _____</p> <p>BHCD Action: _____</p>
<p>Submitted by: <u>Karl S. Cooler</u> Representing: <u>City of Roanoke</u></p> <p>Address: <u>215 Church Avenue, SW, Room 170</u> Phone No.: <u>540-853-1144</u></p> <p>Regulation Title: <u>Exemptions from application for permit</u> Section No(s): <u>108.2(7)</u></p>		
<p>Proposed Change: Change USBC Section 108.2 (7) to read:</p> <p><u>Prefabricated swimming pools that have a surface area not greater than 150 square feet (13.95 m<sup>2</sup>), do not exceed 5,000 gallons (19,000 L) and are less than 24 inches (610 mm) deep.</u></p>		
<p>Supporting Statement:</p> <p>The use of small blow-up or temporary pools across the Commonwealth of Virginia and the nation has been the subject of many discussions among code officials. The current wording is not clear as to whether or not <u>all</u> conditions have to be met for a permit to be required or any one of them. Under the current language, none of the pools being sold would require a permit. This change would remove sometimes conflicting definitions offered by the International Building and International Residential Codes relating to definitions of swimming pools and the related barrier requirements.</p> <p>Attachments:</p> <p>2003 USBC Section 108.2(7) 2003 IBC Section 3109 2003 IRC Appendix G, Sections AG102 &amp; AG105 Us Consumer Product Safety Commission Publication #362</p> <p> 7/27/2006</p>		

# DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

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<p>Submitted by: <u>John Catlett</u> Representing: _____</p> <p>Address: <u>401 Lafayette Street; Williamsburg VA 23185</u> Phone No.: <u>(757) 220-6135</u></p> <p>Regulation Title: <u>Virginia New Construction Code</u> Section No(s): <u>111.2 (Revised 10/20/06)</u></p>		
<p>Proposed Change: <b>111.2 Special inspection requirements.</b> <del>Special inspections shall be conducted under the supervision of registered design professionals and in accordance with Section 1704. Persons engaged in the testing and inspection of construction materials, and the facilities, equipment and procedures they use in the process, shall comply or other standards acceptable to the building official. The building official may require written documentation of personnel certifications and laboratory accreditation, when appropriate, as evidence of conformance with this section.</del></p> <p><u>Special inspections shall be conducted when required by Section 1704; or when specified for specific or unique structural elements by the Registered Design Professionals (RDP) responsible for a building or structure's design and determined necessary by the building official. They shall be performed by individuals and agents that are qualified in accordance with the applicable provisions of ASTM E329 or be a RDP.</u></p> <p><u>Individuals and or agencies conducting special inspections shall meet the requirements of Section 1703.</u></p> <p>The permit applicant shall submit <u>and the building official shall approve</u> a statement <u>and schedule</u> of special inspections <u>as required in Sections 1704.1.1 and 1705</u> as a requisite to the issuance of a building permit. <u>The building official may require interim inspection reports and shall require a final report of special inspections as specified in Section 1704.1.2.</u> All fees and costs related to the special inspections shall be the responsibility of the building owner.</p>		

Supporting Statement: The current code language contains a reference to ASTM E329 when evaluating the certification or accreditation of an individual or laboratory conducting special inspection services. It also states that the building official can approve alternatives to ASTM E329. In actuality, ASTM E329 already contains language that allows this practice at the end of section 7.2.2, 7.2.3 and 7.2.4 respectively (attached). The proposed language allows the building official to accept alternatives to the laundry list of certifications as long as the intended qualifications are met.

The proposed code change also establishes that there shall be an RDP in responsible charge of special inspection activities and that special inspectors must be independent from contractor performing the physical construction activities. This would not preclude the RDP of record from performing SI functions.

Typically known as the "agent 1", the RDP in responsible charge is the person or firm responsible for the coordination of special inspection activities and reports. Other agents or laboratories may be hired to carry out the SI function, but the RDP in responsible charge of SI shall be responsible for their coordination.

The change sets out a procedure for considering alternative certifications and qualifications and for the issuing of reports.

ASTM E329 language:

7.2.2 A laboratory supervisor shall have at least five years experience performing tests on relevant construction materials. This person shall be able to demonstrate either by oral or written examination, or both, their ability to perform the tests normally required in the manner stipulated under ASTM or other governing test procedures and shall be capable of evaluating the test results in terms of specification compliance. Certification by ACI (American Concrete Institute) Laboratory Testing Technician, Grade II or NICET (National Institute for Certification of Engineering Technicians) Level III or higher, or certification by other qualified national, regional or state authorities as appropriate to the work, is required.

7.2.3 A field supervisor shall have at least five years inspection experience in the type of work being supervised. This person shall be able to demonstrate, either by oral or written examination, or both, their ability to perform correctly the required duties and shall be capable of evaluating the inspection or test results in terms of specification compliance. Certification by ACI (Concrete Construction Inspector or Concrete Transportation Construction Inspector), BOCA/ICBO Reinforced Concrete Special Inspector, NICET (Level III or higher), ASNT (Level II or III), AWS (CWI), or certification by other qualified national, regional or state authorities as appropriate to the work, is required.

7.2.4 *Inspector or Technician*—This person shall have sufficient education and on-the-job training or trade school training to properly perform the test or inspection to which the person is assigned. This person must be able to demonstrate competence for the test or inspection which is being conducted either by oral or written examination, or both. Certification by ACI (American Concrete Institute), BOCA/ICBO Reinforced Concrete Special Inspector, AWS (American Welding Society), ASNT (American Society for Nondestructive Testing), NICET (National Institute for Certification of Engineering Technicians), ICC (International Code Council), ICBO (International Council of Building Officials), BOCA (Building Officials Code Administration), as appropriate for the work being performed, or certification by other qualified national authorities as appropriate to the work; shall be considered as one means of documenting competency. The Inspector or Technician shall work under the direct supervision of personnel meeting the requirements of 7.2.2 or 7.2.3 (see Appendix X1).

# DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

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Submitted by: John Catlett Representing: \_\_\_\_\_

Address: 401 Lafayette Street, Williamsburg VA 23185 Phone No.: (757) 220-6135

Regulation Title: Virginia New Construction Code Section No(s): 111.2 (Revised 10/20/06)

~~Proposed Change: 111.2 Special inspection requirements. Special inspections shall be conducted under the supervision of registered design professionals and in accordance with Section 1704. Persons engaged in the testing and inspection of construction materials, and the facilities, equipment and procedures they use in the process, shall comply or other standards acceptable to the building official. The building official may require written documentation of personnel certifications and laboratory accreditation, when appropriate, as evidence of conformance with this section.~~

Special inspections shall be performed when required by Section 1704; or when specified for specific or unique structural elements by the Registered Design Professionals (RDP) responsible for a building or structure's design and determined necessary by the building official. They shall be performed by individuals and agents that are qualified in accordance with the applicable provisions of ASTM E329 or be a RDP.

All individuals or agents performing special inspection functions shall operate under the direct supervision of an RDP in responsible charge of special inspection activities; also known as the Special Inspector. The Special Inspector and their agents shall be independent from the person(s) or contractor responsible for the physical construction of the project requiring special inspections. The Special Inspector shall ensure that the individuals under their charge are performing only those special inspections or laboratory testing that are consistent with their knowledge, training and certification for the specified inspection or laboratory testing.

Individuals or firms responsible for laboratory testing and/or special inspections must satisfy the building official that they comply with the qualification, certification and experience requirements of ASTM E329 or the alternatives listed therein. Upon request by the building official, documentation shall be provided demonstrating the applicable agency's laboratory accreditation, when applicable, and individual resumes' indicating pertinent training, certifications and other qualifications shall be provided for special inspection personnel associated with the project. The building official may prescribe the manner of qualification documentation and frequency of updating information regarding agency or individual inspector approval.

Firms providing special inspection services or individual inspectors seeking approval of alternative certifications and/or qualifications not specifically listed in ASTM E329 may submit documentation demonstrating equivalency. This documentation may include evidence of meeting other recognized standards or alternative certifications to demonstrate that the minimum qualifications, certification and experience intended by ASTM E329 have been met. The building official may approve the credentials of the firm or individual after evaluating and determining that equivalency has been demonstrated.

The permit applicant shall submit and the building official shall approve a statement and schedule of special inspections as required in Sections 1704.1.1 and 1705 as a requisite to the issuance of a building permit. The building official may require interim inspection reports and shall require a final report of special inspections as specified in Section 1704.1.2. All fees and costs related to the special inspections shall be the responsibility of the building owner.

Supporting Statement: The current code language contains a reference to ASTM E329 when evaluating the certification or accreditation of an individual or laboratory conducting special inspection services. It also states that the building official can approve alternatives to ASTM E329. In actuality, ASTM E329 already contains language that allows this practice at the end of section 7.2.2, 7.2.3 and 7.2.4 respectively (attached). The proposed language allows the building official to accept alternatives to the laundry list of certifications as long as the intended qualifications are met.

The proposed code change also establishes that there shall be an RDP in responsible charge of special inspection activities and that special inspectors must be independent from contractor performing the physical construction activities. This would not preclude the RDP of record from performing SI functions.

Typically known as the "agent 1", the RDP in responsible charge is the person or firm responsible for the coordination of special inspection activities and reports. Other agents or laboratories may be hired to carry out the SI function, but the RDP in responsible charge of SI shall be responsible for their coordination.

The change sets out a procedure for considering alternative certifications and qualifications and for the issuing of reports.

ASTM E329 language:

7.2.2 A laboratory supervisor shall have at least five years experience performing tests on relevant construction materials. This person shall be able to demonstrate either by oral or written examination, or both, their ability to perform the tests normally required in the manner stipulated under ASTM or other governing test procedures and shall be capable of evaluating the test results in terms of specification compliance. Certification by ACI (American Concrete Institute) Laboratory Testing Technician, Grade II or NICET (National Institute for Certification of Engineering Technicians) Level III or higher, or certification by other qualified national, regional or state authorities as appropriate to the work, is required.

7.2.3 A field supervisor shall have at least five years inspection experience in the type of work being supervised. This person shall be able to demonstrate, either by oral or written examination, or both, their ability to perform correctly the required duties and shall be capable of evaluating the inspection or test results in terms of specification compliance. Certification by ACI (Concrete Construction Inspector or Concrete Transportation Construction Inspector), BOCA/ICBO Reinforced Concrete Special Inspector, NICET (Level III or higher), ASNT (Level II or III), AWS (CWI), or certification by other qualified national, regional or state authorities as appropriate to the work, is required.

7.2.4 *Inspector or Technician*—This person shall have sufficient education and on-the-job training or trade school training to properly perform the test or inspection to which the person is assigned. This person must be able to demonstrate competence for the test or inspection which is being conducted either by oral or written examination, or both. Certification by ACI (American Concrete Institute), BOCA/ICBO Reinforced Concrete Special Inspector, AWS (American Welding Society), ASNT (American Society for Nondestructive Testing), NICET (National Institute for Certification of Engineering Technicians), ICC (International Code Council), ICBO (International Council of Building Officials), BOCA (Building Officials Code Administration), as appropriate for the work being performed, or certification by other qualified national authorities as appropriate to the work; shall be considered as one means of documenting competency. The Inspector or Technician shall work under the direct supervision of personnel meeting the requirements of 7.2.2 or 7.2.3 (see Appendix X1).

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Submitted by: <u>John Catlett</u> Representing: <u>VBCOA</u>  Address: <u>401 Lafayette Street, Williamsburg VA 23185</u> Phone No.: <u>(757) 220-6135</u>  Regulation Title: <u>Virginia New Construction Code</u> Section No(s): <u>113.7 (revised 10/20/2006)</u>		
<b>Proposed Change:</b>  <p><b>113.7 Approved inspection agencies.</b> The building official may accept reports of inspections and tests from approved individuals or approved inspection agencies <u>approved in accordance with building official's written policy required by Section 113.7.1</u>, which satisfy qualifications and reliability requirements <u>established therein</u>. Under circumstances where the building official is unable to make the inspection or test within two working days of a request or an agreed upon date, <u>or if authorized for other circumstances in the building official's written policy</u>, the building official shall accept reports for review. <u>The building official shall approve the report from such approved individuals or agencies unless there is cause to reject the report. Rejection of a report shall be in writing stating the reason for the rejection.</u> Such Reports <u>of inspections conducted by approved third party inspectors or agencies</u> shall be in writing and shall be certified by the individual inspector or by the responsible officer when the report is from an agency.</p> <p><b>Note:</b> Photographs, videotapes or other sources of pertinent data or information may be considered as constituting such reports and tests.</p> <p><b>113.7.1 Third-party inspectors.</b> Each building official charged with the enforcement of the USBC shall have a written policy establishing the minimum acceptable qualifications for third-party inspectors. The policy shall include the format and time frame required for submission of reports, any prequalification or pre-approval requirements <u>before conducting a third party inspection</u>; and any other requirements and procedures established by the building official.</p> <p><b>113.7.2 Minimum qualification.</b> <u>The minimum qualifications for third party inspectors or agencies shall be from the following list. However, nothing in this section shall prohibit the building official from establishing a more restrictive minimum level of qualification for third party inspectors.</u></p> <ol style="list-style-type: none"> <li>1. <u>DHCD Certification as an inspector in the specific area(s) of inspections performed;</u></li> <li>2. <u>A registered design professional practicing within their area of competency as related to the area of inspection;</u></li> <li>3. <u>Individual or firms approved to perform special inspection as specified in Section 111.2 within their area of qualification and competency;</u></li> <li>4. <u>When in the opinion of the building official an individual or agency meets the intended competencies established by the qualifications listed in items 1 through 3, the building official may approve third party inspectors with qualifications other than those specifically listed.</u></li> </ol>		

#### Supporting Statement:

There has been a continued debate regarding the use and qualifications of third party inspectors for several code changes. Past code language has been ambiguous and highly interpretive leading to misapplication, confusion, and sometimes delays in approval of third party agents. The code change adopted in 2003 made great strides in improving this sections application.

The propose text is a sort of "next step" from the code language change approved with the 2003 USBC. The change to Section 113.7 is intended to remove duplicated language and recognize that there is a requirement for a local written policy regarding third party inspections. The second part of this change recognizes that third party inspection are not only allowed to be conducted when the building official cannot respond within two working days, but when the local written policy allows third party inspection by right or when required by such other polices such as shrink-swell soils.

Section 113.7.1 clarifies that the written policy may establish certain criteria and approvals before the inspection is conducted. This allows the building official to not only approve the agent and actual inspection, but allows the building official to be looking for reports of the inspection to satisfy the USBC minimum inspection requirements.

Section 113.7.2 is intended to provide guidance to the many local building officials that have not established a written third party inspection policy. Many have difficulty establishing the minimum level of qualifications and the types of issues that should be included therein. The qualification list established is a compilation of several policies that have been developed in the last 18 months since the 2003 code change. The first three are self explanatory. The forth recognizes that in some cases or geographical areas, individuals meeting the minimum qualifications established by the first three may not be available. Yet there may be a specific or ongoing need to supplement the capabilities of the building official to make inspections. Item 4 allows the building official to evaluate other qualifications in approving a third party agent. Recognition of tradesmen cards, licensed contractors or those with other qualifications not associated with a project may be needed to temporarily fill a gap in inspection demand.

The provision clarifies that nothing in this section is intended to limit a local building official from establishing a more restrictive requirement for qualifications. In addition, the written policy may require an approval process that may include ride alongs with locality inspectors to verify code knowledge and application, verification and/or minimal levels of field experience in the trade area inspected and attendance to training that the locality would require for their own inspectors to keep current on specific topics affecting the locality. In addition, legal council for some localities have recommended that third party inspectors carry a minimum level of insurance.

As noted before, this code change is intended as a "next step." The previous code change has required the local building official to examine the issue of third party inspections and has opened the door to some creative, but reasonable local policies. This code change should take it to the next level and actually provide a basic format for localities that have not created a local policy.



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Document No. \_\_\_\_\_

Committee Action: \_\_\_\_\_

BHCD Action: \_\_\_\_\_

Submitted by: DHCD Staff Representing: \_\_\_\_\_

Regulation Title: 2003 Virginia Construction Code Section No(s): 113.7 and 113.7.1

Proposed Change:

(Change the reference to Section 113.7 in Section 113.1.3 to Section 113.8 to correlate with the renumbering below)

113.7 Third-party inspector policy. The building official shall have a written policy establishing the minimum acceptable qualification and reliability requirements for third-party inspectors. The policy shall include the format and time frame required for submission of reports, any prequalification or pre-approval requirements and any other requirements and procedures established by the building official.

~~113.7 Approved~~ 113.8 Third-party inspector and inspection agencies. The building official ~~may~~ shall be permitted to accept reports of inspections and tests from approved individuals or approved inspection agencies ; which satisfy qualifications and reliability requirements have been approved under the third-party inspector policy required by Section 113.7 . Under In circumstances where the building official is unable to make the an inspection or test (i) within two working days of a following the day in which an inspection request is made or (ii) on an agreed upon date, the building official shall accept reports for review from such approved individuals or agencies. Such The reports shall be in writing and shall be certified by the individual inspector or by the responsible officer when the report is from an agency. Reports submitted by approved third-party inspectors or inspection agencies shall be given the same precedence as approvals issued by field inspectors of the building department with respect to whether work may be concealed; however, this provision shall not be construed to limit or prevent appropriate action if the building official determines code violations may be present involving the work covered by the report.

Note: Photographs, videotapes or other sources of pertinent data or information may be considered as constituting such reports and tests.

(Delete existing Section 113.7.1 as it is now Section 113.7)

(Renumber existing Section 113.8 (Final Inspection) to Section 113.9)

(Change the reference to Section 113.8 in Section 116.1 to Section 113.9 to correlate with the renumbering above)

Supporting Statement:

This change is to move the requirements for establishing a third-party inspector policy before the section addressing third-party inspections and to correlate the two provisions. New language is added at the end of Section 113.8 based on discussions with building officials to address the continuation of work on the site based on the third-party inspection report and to provide safeguards for the building official should problems arise.

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(Use this form to submit changes to building and fire codes)

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<p>Submitted by: John Catlett (Rick Witt)      Representing: Virginia Building and Code Officials Assoc.</p> <p>Address: P.O. Box 40, Chesterfield, Virginia 23832      Phone No.: (804) 751-4161</p> <p>Regulation Title: Virginia Construction Code      Section No(s): Section 119.5</p>		
<p>Proposed Change:</p> <p><b>Section 119.5 Right of Appeal; filing of appeal application.</b></p> <p>The owner of a building or structure, the owner's agent or any other person involved in the design or construction of a building or structure may appeal a decision of the building official concerning the application of the USBC to such building or structure and may also appeal a refusal by the building official to grant a modification to the provisions of the USBC pertaining to such building or structure. The applicant shall submit a written request for appeal to the LBCCA within 90 <u>30</u> days of the receipt of the decision being appealed. ....(remainder of section is unchanged)</p>		
<p>Supporting Statement: This change is intended to reflect a reasonable time frame for a party to appeal the decision of the Building Official. In most cases, there is financial implication and time issue for the project to go forward or continue construction which requires a decision quicker than 90 days.</p>		

**VIRGINIA CONSTRUCTION CODE  
INTERNATIONAL RESIDENTIAL  
CODE**

# HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

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<p>Submitted by: Chuck Bajnai, residential plan reviewer</p> <p>Representing: Chesterfield County Building Inspections</p> <p>Address: Chesterfield County, VA</p> <p>Phone No.: 804-717-6428</p> <p>Regulation Title: Section No(s): USBC effective 11-16-2005, Changes R403.1, Exception Condition #1</p>																		
<p>Proposed Change: USBC R403.1 <b>Exception, Condition 1</b> should be changed to:</p> <p style="text-align: center;">“The building height is not more than <u>10 feet at the eave</u>”</p>																		
<p>Supporting Statement:</p> <p>The 2003 IRC section 403.1.4.1, Exception 1: “Freestanding accessory structures with an area of 400 sqft or less and an eave height of 10 ft or less...”</p> <p>A 16'x16' storage shed (256 sqft, as currently written by USBC) cannot exceed 12' high (i.e. 6:12 slope roof). If the language was modified to agree with the IRC then steeper roof slopes could be accommodated.</p> <p>Extrapolated from current code sections:</p> <table border="0"> <tr> <td>Storage sheds 0-150 sqft:</td> <td>no permit</td> <td></td> <td></td> </tr> <tr> <td>Storage sheds 150-256 sqft:</td> <td>permit</td> <td>limitation:12' tall</td> <td>anchored, but no permanent footings</td> </tr> <tr> <td>Storage sheds 257-400 sqft:</td> <td>permit</td> <td>limitation:10' at eaves</td> <td>permanent footings without frost protection</td> </tr> <tr> <td>Storage sheds greater than 400 sqft</td> <td>permit</td> <td></td> <td>permanent footings with frost protection</td> </tr> </table> <p>The change, if accepted, will make the two code section requirements compatible and reduce the provisional conditions to purely footing related (instead of height related also).</p>			Storage sheds 0-150 sqft:	no permit			Storage sheds 150-256 sqft:	permit	limitation:12' tall	anchored, but no permanent footings	Storage sheds 257-400 sqft:	permit	limitation:10' at eaves	permanent footings without frost protection	Storage sheds greater than 400 sqft	permit		permanent footings with frost protection
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 Email: bhcd@dhcd.state.va.us

Document No. \_\_\_\_\_

Committee Action: \_\_\_\_\_

BHCD Action: \_\_\_\_\_

Submitted by: Michael K. Lawson, CGA, CET, CCI

Address: 1139 North Boston Rd, Troy, VA 22974

Phone No.: 434 589 6437

Regulation Title: State Uniform Building Code

Section No(s): Appendix G, Swimming Pools, etc

Proposed Changes: (1) Add to Section AG107 Standards a reference to ASTM -F2208-2e (Swimming Pool Alarms).

(2) Incorporate the use of pool alarms as a permitted methodology for residential swimming pool safety as an alternative in AG105.2 subparagraph 9.

(3) Add language to section AG105.5 : "Localities are permitted to relax the code provisions of AG 105 when subject pool is not a visible 'attractive nuisance' from adjacent properties or in other circumstances when the literal application of the code would be excessively restrictive on subject property."

**Supporting Statement:**

(1, 2) The Code as currently constituted does not yet embrace existing pool alarm technology. There are now a number of alarm systems, which include laser, wave detection, sonar, negative displacement technology or other types of sensors on the market. All of these systems employ a local alarm (at the pool); most also have a "remote station" alarm that sounds in the home or other designated location, and many can be linked to private home security services, such as ADT, Brinks or other private associations. The American Society for Testing and Materials (ASTM) has published a standard in 2002 (F2208-02) regarding the performance of these systems.

(3) The Code needs to provide flexibility to local officials to exercise some "common sense" when dealing with non-typical residential properties. Dwellings located on larger acreage parcels, isolated dwellings, dwellings with existing perimeter fencing, dwellings with natural barriers (hedges or plantings) and others where the pool or spa is not readily accessible and/or visible to outsiders might not need close-in pool barriers. Such properties might satisfy public safety concerns with only automatic pool covers or pool alarms at the discretion of the local enforcement official

The author is a Certified Engineering Technician (CET), level III, Civil Engineering; level III, Architectural/Building Construction and level II, Electrical/Electronics, certification # 81776, National Institute for Certification in Engineering Technologies (NICET); a Certified Construction Inspector (CCI) by the Association of Construction Inspectors and a Certified General Appraiser in the Commonwealth of Virginia.

**VIRGINIA CONSTRUCTION CODE  
INTERNATIONAL BUILDING CODE**

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
REGULATORY CHANGE FORM**

(Use this form to submit changes to building and fire codes)

<p>Address to submit to:</p> <p>DHCD, the Jackson Center 501 North Second Street Richmond, VA 23219-1321</p> <p>Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.state.va.us</p>	<p>Document No. _____</p> <p>Committee Action: _____</p> <p>BHCD Action: _____</p>
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<p>Submitted by: <u>State Building Code Technical Review Board</u>    Representing: _____</p>	
<p>Address: _____</p>	<p>Phone No.: _____</p>
<p>Regulation Title: <u>USBC, Part I – Virginia Construction Code</u>    Section No(s): <u>310</u></p>	

<p>Proposed Change:</p> <p style="margin-left: 40px;">Change R-5 occupancy classification as follows:</p> <p style="margin-left: 80px;"><u>R-5 Residential occupancies in detached one- and two-family dwellings and multiple single-family dwellings ( , townhouses ) not more than three stories high with separate means of egress and their accessory structures within the scope of the International Residential Code, also referred to as the "IRC. "</u></p> <p style="margin-left: 40px;">Change Section 310.3 to read as follows:</p> <p style="margin-left: 80px;">310.3 Group R-5. The construction of Group R-5 structures shall comply with the <u>International Residential Code, also referred to as the " IRC. "</u> The amendments to the IRC set out in Section 310.6 shall be made to the IRC for its use as part of this code. In addition, all references to Section 101.2 in the IBC relating to the construction of <u>one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height such structures subject to the IRC</u> shall be considered to be references to this section.</p>
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<p>Supporting Statement:</p> <p>In review of the provisions of the USBC permitting the use of the International Residential Code under an appeal and in consideration of an interpretation request, the Review Board found that the wording in the 2003 USBC and in Section 101.2 of the IBC could be read to permit a four story dwelling since the language uses definitions under the IBC rather than definitions under the IRC. This proposal makes it clear that Group R-5 structures are those structures that are within the scope of the IRC, which is limited to structures no more than three habitable stories in height plus an unfinished attic.</p>
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**DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM**

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<p>Submitted by: Carrie Eddy _____ Representing: VDH/Office of Licensure and Certification (OLC)</p> <p>Address: 3600 W. Broad Street, Ste. 216, Richmond, VA 23230 _____ Phone No.: 804.367.2157 _____</p> <p>Regulation Title: Uniform Statewide Building Code (USBC) _____ Section No(s): 2702.2 and 407.9 _____</p>		
<p>Proposed Change:</p> <p><u>407.9 Emergency power generators.</u> Emergency power generators shall be provided for Group 1-2 hospitals (including outpatient surgical centers), nursing facilities, and dedicated hospice facilities in accordance with Section 407.9.1, 407.9.2 and 407.9.3.</p> <ul style="list-style-type: none"><li>• <u>407.9.1 Hospitals.</u> For the supply of power to essential electrical systems, the requirements of Part III, 517.30 through 517.35 of the National Electrical Code/2005 Edition shall apply.</li><li>• <u>407.9.2 Nursing facilities, including extended care facilities such as dedicated hospice facilities.</u> For the supply of power to essential electrical systems, the requirements of Part III, 517.40 (B) through 517.44 of the National Electrical Code/ 2005 Edition shall apply, excluding 517.44 (B) Exception 2.</li><li>• <u>407.9.3 Outpatient Surgical Centers.</u> For the supply of power to essential electrical systems, the requirements of Part III, 517.45 of the National Electrical Code/2005 Edition shall apply.</li></ul> <p><u>2702.2 Where required: emergency and standby power systems shall be provided where required...</u></p> <ul style="list-style-type: none"><li>• <u>2702.2.20 Emergency power</u> in hospitals, nursing facilities and outpatient surgical centers shall be supplied according to 407.9.1 through 407.9.3, as applicable.</li></ul>		
<p>Supporting Statement: The condition, physical plant and the overall environment of inpatient hospitals, outpatient surgical centers, nursing facilities, and dedicate hospice facilities must be developed and maintained in such a manner that the safety and well being of patients, clients and residents is assured. Emergency power and lighting to limit internal disruption and to provide continuity of vital services at all times is, therefore, essential.</p> <p>The OLC proposes adding requirements to the USBC requiring that hospitals, nursing facilities, outpatient surgical hospitals, and dedicated hospice facilities have appropriate emergency power backup when normal operating conditions are disrupted due to power failures related to man-made or natural disasters. Currently, such stipulation is achieved through adherence to ancillary codes such as the Center for Medicare and Medicaid Services, the AIA Guidelines for Design and Construction of Health Care Facilities, and related NFPA standards. Continued reliance on national organization's standards for requiring generators is not prudent, as those standards are subject to change without due process in Virginia. The OLC believes that placing the appropriate requirement in the USBC assures that medical care facilities caring for the Commonwealth's sickest and most vulnerable citizens are prepared to provide at least the minimum emergency power should the need arise. It is OLC's understanding that all current operating hospitals, nursing facilities, dedicated hospice facilities and outpatient surgical centers have appropriate emergency power safeguards, therefore, it is not expected that approval and implementation of these proposed changes would result in added operating costs for current or future facilities.</p>		

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Submitted by: R. Ronald Jordan Representing: Mid-Atlantic Fire Safety Construction Advisory Council-Virginia Fire Safety Committee  
 Address: c/o Virginia Masonry Association, P.O. Box 6783 Richmond, VA 23230 Phone No.: (804) 377-2080 (VMA phone)  
(804) 228-4506 (Jordan direct)

Regulation Title: Uniform Statewide Building Code Section No(s): Table 503, Section 504.2 and Section 903.2.5 of 2006 IBC

**Proposed Change:**

1. Revise Table 503 as follows:

**Portion of IBC Table 503  
Allowable Height and Building Areas**

Group		Type of Construction								
		Type I		Type II		Type III		Type IV	Type V	
		A	B	A	B	A	B	HT	A	B
		UL	160	65	55	65	55	65	50	40
		UL	9	4	3	4	3	4	3	2
I-4	S	UL	55,000	19,000	10,000	16,500	10,000	18,000	10,500	4,500
	A	UL								
I-1	S	UL	4	2	1	1	NP	1	1	NP
	A	UL	UL	15,000	11,000	12,000	NP	12,000	9,500	NP
I-2	S	UL	4	2	1	1	NP	1	1	NP
	A	UL	UL	15,000	11,000	12,000	NP	12,000	9,500	NP
I-3	S	UL	4	2	1	2	1	2	2	1
	A	UL	UL	15,000	10,000	10,500	7,500	12,000	7,500	5,000

Note: Groups I-2 (hospitals and nursing homes) and I-3 (prisons) shown for informational purposes only.

2. In Section 504.2, revise Exception No. 1 to read:

1. Fire areas with an occupancy in Group I-1 or I-2 of Type IIB, III, IV or V construction.

3. Remove exception to Section 903.2.5 which permits NFPA 13R and NFPA 13D sprinkler systems in Group I-1 occupancies.

Supporting Statement: This change will require that assisted living facilities (occupancy Group I-1) be built to the same type of construction standards presently required for hospitals and nursing homes (Group I-2). It will require a balanced approach to fire protection design resulting in the same level of fire safety in facilities housing this growing and fragile segment of the population as currently provided for patients in hospitals and residents of nursing homes. Adoption of the change will combine the benefits of passive and active fire protection for (1) fire containment, using non-combustible construction materials for facilities more than one story in height; (2) smoke detection and alarms; and (3) fire suppression, using sprinklers.



P.O. Box 6783  
Richmond, Virginia 23230  
(804) 377-2080  
(804) 355-8874 (Fax)  
VMA@VirginiaMasonry.org (E-mail)  
www.VirginiaMasonry.org

*Code Change submitted is  
for I only*

**April 26, 2006**

Emory Rodgers  
Deputy Director  
Division of Building and Fire Regulation  
Virginia Department of Housing and Community Development  
501 North Second Street  
Richmond, Virginia 23219-1321

Dear Mr. Rodgers,

Thank you for your timely invitation to participate in the upcoming effort to update the Virginia Uniform Statewide Building Code (USBC). For almost one year now, the VMA's Fire Safety Committee has been examining the increasing number of fire losses in certain types of residential structures which we believe could have been substantially mitigated if the USBC included more stringent fire safety construction requirements.

As a result of our efforts, and in association with the Mid Atlantic Fire Safety Construction Advisory Council, the VMA is offering a series of amendments to the USBC. These amendments (as drafted to the 2006 International Building Code) would:

- Require that Group I-1 (assisted living), R-1 (hotel/dormitory, etc), and R-2 (apartment buildings) be of non-combustible construction (either Type I or Type II construction) and;
- Require that individual dwelling units or sleeping units in these occupancy groups be separated by 2-hour fire resistance rated non-combustible construction.

We believe that the upcoming effort by the Division of Building and Fire Regulation is the appropriate forum for discussion of these proposed amendments and would ask that they be added to the list of issues attached to your March 7 letter.

Should you need additional information or have questions, please give me a call at 804-377-2080 or 804-690-9049.

Sincerely,

*Marcia Meighan*  
Marcia Meighan  
Association Coordinator

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**DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM**  
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Submitted by: <u>William J. Hall</u> Representing: <u>VA Building and Code Officials Association</u> Address: <u>P.O. Box 12164 Richmond VA 23241</u> Phone No.: <u>804-649-8471</u> Regulation Title: <u>Uniform Statewide Building Code</u> Section No(s): <u>903.3.1.2.2</u>		
<p>Proposed Change: revise to read</p> <p><b>903.3.1.2.2 Attics.</b> Sprinkler protection <u>in accordance with 903.3.1.1</u> shall be provided for attics in buildings of Type III, IV or V construction in the following occupancies.</p> <ol style="list-style-type: none"><li>1. Group R-2 which are designed, or developed and marketed to senior citizens, 55 years of age or older.</li><li>2. Group I-1.</li></ol>		

Supporting Statement:

As written, this section does not give any guidance on which standard the sprinkler protection in the attic is designed to. It is assumed to be in accordance with NFPA 13. This added language will provide a clear intent of design. In addition, an attic which is built with non-combustible material would be allowed to take advantage of exception #4 in **903.3.1.1.1 Exempt locations.**

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<b>Submitted by:</b> M. Nasir Nasim, PE, PMP		<b>Representing:</b> <b>Washington Metropolitan Area Transit Authority (W.M.A.T.A.)</b>
<b>Address:</b> 600 Fifth St, NW, Washington, DC 20001		<b>Phone No.:</b> (202) 962-1397
<b>Regulation Title:</b> <b>Virginia Uniform Statewide Building Code (VUSBC)</b>		
<b>Section No(s):</b> <b>Chapter 9 of International Building Code (IBC) and Chapter 35 of IBC</b>		
<b><u>Proposed Change:</u></b>		
<b>Chapter 9 – Fire Protection Systems:</b>		
<b><i>Include:</i></b>		
Fire protection requirements for the following transit and passenger rail systems shall be in accordance with NFPA 130:		
<ol style="list-style-type: none"><li>1. New Passenger Rail Systems and extensions to existing passenger rail systems;</li><li>2. New Underground, Surface, and Elevated Fixed Guideway Transit Systems, including trainways, fixed guideway transit stations, and vehicle maintenance and storage areas and extensions to existing fixed guideway systems;</li><li>3. Life safety from fire in fixed guideway transit stations, trainways, and outdoor vehicle maintenance and storage areas;</li><li>4. Emergency procedures for new and existing transit and rail systems as identified in 1, 2 and 3 above</li></ol>		
<b>Chapter 35 – Referenced Standards</b>		
<b><i>Include:</i></b>		
Reference to NFPA 130 – Standard for Fixed Guideway and Passenger Rail Systems, 2003 Edition. (NFPA is acronym for National Fire Protection Association - <a href="http://www.nfpa.org">www.nfpa.org</a> )		
<b><u>Supporting Statement:</u></b>		
Fire Protection Requirements of the VUSBC and IBC 2003 are not applicable to Fixed Guideway Transit and Passenger Rail Systems. Requirements of the NFPA 130 are more suited too, and more specifically apply to Fixed Guideway Transit and Passenger Rail Systems, reflect industry best practices and results of scientific and engineering testing and analysis.		

501 N. Second St  
Richmond, VA 23219

Attn: State Building Code Administrator

Dear Sir:

The Washington Metropolitan Area Transit Authority (WMATA), created effective February 20, 1967, is an interstate compact agency and, by the terms of its enabling legislation, is an agency and instrumentality of the District of Columbia, State of Maryland, and Commonwealth of Virginia. WMATA was created by the aforementioned states and the District of Columbia to plan, finance, construct and operate a comprehensive mass transit system for the Washington Metropolitan Area.

WMATA is empowered by the signatory parties to:

1. Plan, Develop, Finance and Cause to be operated improved transit facilities, in coordination with transportation and general development planning for the Zone, as part of a balanced regional system of transportation, utilizing to their best advantage the various modes of transportation
2. To coordinate the operation of the public and privately owned or controlled transit facilities, to the fullest extent practicable, into a unified regional transit system without unnecessary duplicating service
3. To serve such other regional purposes and to perform such other functions as the signatories may authorize by appropriate legislation.

In the State of Virginia, at the present time WMATA is the technical manager and eventual owner and operator of the extension of the Metro system to the Dulles Airport. This project is scheduled in two separate contracts. The first contract is ongoing and consists of the extension of the Metro system from the West Falls Church Station to Wiehle Avenue in Fairfax County. This almost \$2 Billion project currently in design stage, is expected to break ground this year and completion of approximately 12 miles of alignment is expected in 2011. This 12 miles of alignment consists of stations, buildings, tunnels, aerial structures, and at grade structures. More information is available on our website [www.wmata.com](http://www.wmata.com).

During the design effort for the Dulles Contract, WMATA noticed a deficiency in the building codes promulgated by the State of Virginia. The deficiency arises from the fact that current provision pertaining to FIRE PROTECTION in the 2003 International Building Code (IBC) or the Virginia Uniform Statewide Building Code (VUSBC) are not applicable to transit facilities and in particular underground transit structures. Fire protection requirements for transit and passenger railway facilities are more accurately depicted in the National Fire Protection Association Document # 130, referred to as NFPA 130. Therefore, we are proposing that the VUSBC include an amendment to Chapter 9 of the IBC. The proposed amendment is described in the attached Regulatory Code Change Form.

We were informed by your office that the 2006 edition of the VUSBC is scheduled to publish in 2008, at which time most of the construction on our major project in Virginia would be ongoing or close to completion. Hence, in the interim we request that you notify Building Officials and Inspectors in the County of Fairfax of the pending change and the necessity to maintain compliance with NFPA 130 during this transient period as construction on the Dulles Corridor Metrorail Project (DCMP) is ongoing.

We share your commitment to the citizens of Virginia and the general public at large and request that you support our effort to improve safety and enhance value for our customers.

Very truly yours,

M. Nasir Nasim, PE, PMP



Office of Chief Engineer- Facilities  
Department of Planning, Development, Engineering and Construction  
WMATA  
600 Fifth St, NW  
Washington, DC 20001  
Tel 202-962-1397  
Fax 202-962-2039  
email: [mnasim@wmata.com](mailto:mnasim@wmata.com)

# DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

(Use this form to submit changes to building and fire codes)

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Submitted by: John Catlett Representing: VBCOA

Address: 401 Lafayette Street; Williamsburg VA 23185 Phone No.: (757) 220-6135

Regulation Title: Virginia New Construction Code Section No(s): IBC Sections 1703.1, 1.1.1.2, 1.3; 1704.1

Proposed Change:

**1703.1 Approved agency.** ~~An approved agency shall provide all information as necessary for the building official to determine that the agency meets the applicable requirements.~~ responsible for laboratory testing and/or special inspections must satisfy the building official that they comply with the qualification, certification and experience requirements of ASTM E329 or the alternatives listed therein.

**1703.1.1 Independent.** An approved agency shall be objective and competent. The agency shall also disclose possible conflicts of interest so that objectivity can be confirmed. The Special Inspector and their agents shall be independent from the person(s) or contractor responsible for the physical construction of the project requiring special inspections.

**1703.1.2 Equipment.** An approved agency shall have adequate equipment to perform required tests. The equipment shall be periodically calibrated.

**1703.1.3 Personnel and laboratories.** An approved agency shall employ experienced personnel educated in conducting, supervising and evaluating tests and/or inspections. Upon request by the building official, documentation shall be provided demonstrating the applicable agency's laboratory accreditation, when applicable, and individual resumes' indicating pertinent training, certifications and other qualifications shall be provided for special inspection personnel associated with the project. The building official may prescribe the manner of qualification documentation and frequency of updating information regarding agency or individual inspector approval.

Firms providing special inspection services or individual inspectors seeking approval of alternative certifications and/or qualifications not specifically listed in ASTM E329 may submit documentation demonstrating equivalency. This documentation may include evidence of meeting other recognized standards or alternative certifications to demonstrate that the minimum qualifications, certification and experience intended by ASTM E329 have been met. The building official may approve the credentials of the firm or individual after evaluating and determining that equivalency has been demonstrated.

**1704.1 General.** ~~Where application is made for construction as described in this section, the owner or the registered design professional in responsible charge acting as the owner's agent shall employ one or more special inspectors to provide inspections during construction on the types of work listed under Section 1704. The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the building official, for inspection of the particular type of construction or operation requiring special inspection. These inspections are in addition to the inspections specified in Section 109. All individuals or agents performing special inspection functions shall operate under the direct supervision of an RDP in responsible charge of special inspection activities; also known as the Special Inspector. The Special Inspector shall ensure that the individuals under their charge are performing only those special inspections or laboratory testing that are consistent with their knowledge, training and certification for the specified inspection or laboratory testing.~~

Supporting Statement:

**VIRGINIA CONSTRUCTION CODE  
INTERNATIONAL MECHANICAL  
CODE**

Mighty Dry  
4395 Green Valley Road  
Oakland, OR 97462 -9725

1-888-459-3555

Fax 1-866-459-2353

October 16,2006

State Building Code  
Administrative Office  
501 North 2<sup>nd</sup> Street  
Richmond, VA 23219

To: Official in Charge of Building Codes

I sell compact, portable, electric, refrigeration type dehumidifiers especially designed to dry out crawl spaces, basements, and cellars. I am concerned about the danger of fire and explosion from unsafe dehumidifiers, especially imports. Please see recall of millions of such units by the C .P. S. C. {Consumer Product Safety Commission}:

[www.electric-find.com/recall/sears.htm](http://www.electric-find.com/recall/sears.htm)

[www.easyrecalldehumidifier.com/er/goldstar.htm](http://www.easyrecalldehumidifier.com/er/goldstar.htm)

[Http://repair1.com.whirlpool.com/summary.htm](http://repair1.com.whirlpool.com/summary.htm)

[Http://repair1.comwhirlpool.faq.htm](http://repair1.comwhirlpool.faq.htm)

I have enclosed suggested codification to protect the public from these dangers.

I am also aware of the benefits of dehumidifiers to eliminate pests and insects without contaminating chemicals. Please also see:

[www.crawlspaces.org](http://www.crawlspaces.org)

If your state already has codes covering crawl spaces, basements, and cellars I would appreciate a copy for my new reference book.

Thank you for your time.

Cordially,

  
Edward A. Curley

## **CODES (TENTATIVE - NOT FULLY APPROVED)**

All dehumidifiers used in or about buildings in enclosed spaces such as crawl spaces, basements, cellars, and return air plenums shall be equipped with a thermal total power interrupt switch preset to 115°F and integral with the compressor. Such switches shall be automatic reset type for temperatures below 115°F.

All dehumidifiers used in or about buildings in enclosed spaces such as crawl spaces, basements, cellars, and air return plenums and which use reciprocating piston type compressors shall be constructed so as to contain the compressor in a steel enclosure.

Dehumidifiers shall be of sufficient capacity to reduce the relative humidity in the enclosed space to the desired and preset humidity within a reasonable time.

**VIRGINIA CONSTRUCTION CODE  
INTERNATIONAL FUEL GAS CODE**

**Proposed change to the 2003 International Fuel Gas Code (IFGC) Section 503.3.4  
Ventilating hoods and exhaust systems**

Submitted by;  
J.D. Mitchell, Fire Protection Field Supervisor  
Loudoun County Department of Building and Development

Proposed change;  
Section 503.3.4 of the IFGC needs to be changed to read, “ Where any cooking appliance or cooking equipment, either manually or automatically operated, in addition to any other automatically operated equipment is vented through a ventilating hood or exhaust system equipped with a damper or power means of exhaust, provisions shall be made to allow the flow of gas to the appliance or equipment ~~main burners~~ only when the damper is open to a position to properly vent the equipment and when the power means of exhaust is in operation.”

Rational;  
Section 503.3.4 of the IFGC deals with when exhaust systems must be in operation. Although not specifically worded as such, this section will pertain to commercial cooking appliances found under kitchen hood exhaust systems. These appliances require the ventilation of grease laden vapors and products of combustion

The current wording of Section 503.3.4 states, “...Where automatically operated equipment is vented through a ventilating hood or exhaust system equipped with a damper or power means of exhaust, provisions shall be made to allow the flow of gas to the main burners only when the damper is open to a position to properly vent the equipment and when the power means of exhaust is in operation.”

This Section currently covers “automatic” appliances such as deep fryers, some griddles and ovens, all typically thermostatically controlled appliances. It will not cover ranges, char broilers, some griddles or wok tables, all typically manually controlled. These “manually” controlled appliances still generate grease laden vapors and products of combustion. The proposed change will clarify that all cooking equipment requires ventilation during operation.

Add a new Section to read;  
**503.3.4.1 Bypass lines and jumpers.** Bypass lines and jumpers shall not be installed around any valve or electric solenoid allowing any gas to the appliances or equipment.

Rational;  
These bypass lines are being installed on most every kitchen hood system in order to allow gas to keep pilots lit. A kitchen cooking appliance manufacturer was contacted and ask how these bypass lines would affect the operation of their appliance. These lines are not listed, tested nor approved for use with any appliance. Further, use of these lines will void the listing of the appliance. In order to receive a listing from Underwriters Laboratory or Factory Mutual, the appliances are tested with an X size gas line under X



gas pressure. If the appliance calls for a one inch gas line and 3 psi gas pressure, a  $\frac{1}{4}$  inch copper bypass line is clearly not a one inch line and can adversely change the required gas pressure. Use of these lines may also contribute to incomplete combustion thus causing a carbon monoxide build up. A 10 burner range requiring a one inch gas line, but utilizing a  $\frac{1}{4}$  inch copper bypass line, can have 6 to 8 burners operating however, it would be questionable if these burners are functioning correctly. As in this situation where the ventilating hood would be off and gas is being supplied via the bypass line, any products of combustion be it complete or incomplete would not be properly ventilated from the building.

# VIRGINIA MAINTENANCE CODE

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<p>Submitted by: <u>   Ralston McInnis   </u> Representing: <u>   VBCOA Property Maintenance Committee   </u></p> <p>Address: <u>   400 Granby, Norfolk, VA 23510   </u> Phone No.: (757) 664 6563 <u>      </u></p> <p>Regulation Title: <u>   Virginia Maintenance Code; Enforcement Generally   </u> Section No(s): Section 104 <u>      </u></p>		
<p>Proposed Change: ADD</p> <p><b>Note:</b> <u>Section 104.5.4.3</u> Work done to correct violations of this code is <del>generally</del> subject to the permit, inspection and approval provisions of the Virginia Construction Code.</p>		
<p>Supporting Statement: The International Property Maintenance Code requires existing structures and premises that are not in compliance with the code to be altered or repaired to meet the code. The note found as an addendum to Section 104.5.4.2 does not rise to the level of an enforceable standard. This change will allow the inspector/technical assistant to apply/enforce the minimum repair provisions of the Virginia Construction Code.</p>		

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Document No. \_\_\_\_\_

Committee Action: \_\_\_\_\_

BHCD Action: \_\_\_\_\_

10/24/06

Submitted by: John Catlett (Rick Witt)

Representing: Virginia Building and Code Officials Assoc.

Address: P.O. Box 40, Chesterfield, Virginia 23832

Phone No.: (804) 751-4161

Regulation Title: The Virginia Maintenance Code, 2003 Edition

Section: 106.5

Proposed Change:

**106.5 Right of appeal; filing of appeal application.** The owner of a building or structure, the owner's agent or any other person involved in the use of a building or structure may appeal a decision of the code official concerning the application of this code to such building or structure and may also appeal a refusal by the code official to grant a modification to the provisions of this code pertaining to such building or structure. The applicant shall submit a written request for appeal to the LBBCA within 24 14 calendar days of the receipt of the decision being appealed. *(Remaining text is unchanged)*

Supporting Statement: This change is intended to recognize that property maintenance violations rise to the same health, safety, and welfare level as those cited under the Fire Prevention Code and to bring consistency with the Fire Prevention Code with respect to the time frame for the appeal process. Based on the lowest common denominator, 14 days would allow adequate time for anyone who has disagreements with the decision of the Property Maintenance Code Official to file an appeal. Lengthier time frames are not needed as typically the aggrieved party has some financial implications or timeliness issues with their structure which drives the necessity to obtain quick resolution

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Submitted by:    Raiston McInnis    Representing:    VBCOA Property Maintenance Committee   

Address:    400 Granby, Norfolk, VA 23510   

Phone No.: (757) 664-6563

Regulation Title:    Virginia Maintenance Code    Section No(s):    Section 404.4.1 & 404.5 of the IPMC   

## Proposed Change:

**404.4.1 Room area.** Every living room shall contain at least 120 square feet (11.2m<sup>2</sup>) and every bedroom shall contain at least 70 square feet (6.5 m<sup>2</sup>)– and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

**404.5 Overcrowding.** ~~The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.~~

## 404.5 Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5 MINIMUM AREA REQUIREMENTS			
SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room a,b	120	120	150
Dining room a,b	No requirements	80	100
Bedrooms	Shall Comply with Section 404.4.1		

For SI: 1 square foot = 0.093 m<sup>2</sup> .

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

## 404.5.1 Sleeping area.

The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

## 404.5.2 Combined spaces.

Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

**Supporting Statement:**

Language in the 2003 IRC Commentary suggests that “interior living conditions including odor, moisture and disease transmission” play a major role in interior living conditions. The Commentary further states that the “IRC regulates room sizes to assist in maintaining a safe and comfortable interior environment”. The Commentary also states that not only is room size regulated but the number of occupants, ceiling height and ventilation all have an impact on the floor area of habitable spaces. This suggests that the intent of the IRC is to in some fashion regulate not only light and ventilation but occupant load also. The language contained in the 2006 version of the IPMC is both ambiguous and subjective rendering difficult to apply and impossible to enforce. The 2006 Edition fails to recognize the intent of the IRC to regulate occupant loads in residential structures. Therefore, this proposal is to retain the language contained in the subject sections the 2003 Edition of the IPMC in the administrative chapter of the Virginia Maintenance Code.

# VIRGINIA STATEWIDE FIRE PREVENTION CODE

# DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

(Use this form to submit changes to building and fire codes)

Address to submit to:

DHCD, the Jackson Center  
501 North Second Street  
Richmond, VA 23219-1321

Tel. No. (804) 371 – 7150  
Fax No. (804) 371 – 7092  
Email: bhcd@dhcd.state.va.us

Document No. \_\_\_\_\_

Committee Action: \_\_\_\_\_

BHCD Action: \_\_\_\_\_

Submitted by: DHCD Staff (Administrative and Technical Support Office) Representing: \_\_\_\_\_

Regulation Title: 2003 SFPC Section No(s): 102.5 through 102.8 and 104.2

Proposed Change:

~~102.5. Subsequent alteration. Subsequent alteration, enlargement, repair, or conversion of the occupancy classification of structures shall be subject to the current USBC.~~

~~102.6. 102.5. State structures. The SFPC shall be applicable to all state-owned structures in the manner and extent described in Section 27-99 of the Code of Virginia.~~

~~102.7. 102.6. Relationship to USBC. In accordance with Sections 27-34.4, 36-105.1 and 36-119.1 of the Code of Virginia, the USBC does not supersede the provisions of this code that prescribe standards to be complied with in existing buildings and structures, provided that this code shall not impose requirements that are more restrictive than those of the USBC under which the buildings or structures were constructed. Subsequent alteration, enlargement, rehabilitation, repair or conversion of the occupancy classification of such buildings and structures shall be subject to the construction and rehabilitation provisions of the USBC. Construction inspections of structures, inspection of buildings other than state-owned structures, buildings under construction and the review and approval of their construction documents building plans for these structures for enforcement of the USBC shall be the sole responsibility of the appropriate local building department inspectors .~~

~~102.8. Existing structures. Upon the completion of such structures, responsibility for fire safety protection shall pass to the local fire official marshal or official designated by the locality to enforce this code in those localities which enforce the SFPC or to the State Fire Marshal ,who shall also have the authority, in cooperation with any local governing body, to enforce this code. The State Fire Marshal shall also have authority to enforce this code in those jurisdictions in localities which the local governments do not enforce this code.~~

(Renumber existing Section 102.9 as Section 102.7)

~~104.2. State enforcement. The State Fire Marshal shall have the authority to enforce the SFPC as follows:~~

~~1. In cooperation with any local governing body;~~

~~2. In those jurisdictions in which the local governments do not enforce the SFPC; and~~

~~3. In all state-owned buildings and structures In accordance with Section 27-98 of the Code of Virginia, the State Fire Marshal shall also have the authority, in cooperation with any local governing body, to enforce the SFPC. The State Fire Marshal shall also have authority to enforce the SFPC in those jurisdictions in which the local governments do not enforce the SFPC and may establish such procedures or requirements as may be necessary for the administration and enforcement of the SFPC in such jurisdictions .~~

Supporting Statement:

This change combines provisions to match the arrangement of the subject matter in state law and provides a reference to, and the use of, the legislative language.



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<p>Submitted by: <u>DHCD Staff (Administrative and Technical Support Office)</u> Representing: _____</p> <p>Address: _____ Phone No.: _____</p> <p>Regulation Title: <u>Statewide Fire Prevention Code</u> Section No(s): <u>109.3</u></p>		
<p>Proposed Change:</p> <p>109.3. Other inspections: <u>In accordance with Section 36-139.3 of the Code of Virginia, the State Fire Marshal, upon presenting proper credentials, shall make annual inspections for hazards incident to fire in all (i) residential care facilities operated by any state agency ; , (ii) <del>adult care residences</del> assisted living facilities licensed or subject to licensure under pursuant to Chapter 9 18 (§ 63.1-172 63.2-1800 et seq.) of Title 63.4 63.2 of the Code of Virginia which are not inspected by a local fire marshal ; , (iii) student - residence facilities owned or operated by the public institutions of higher education in the Commonwealth ; , and (iv) public schools in the Commonwealth which are not inspected by a local fire marshal. In the event that any such facility or residence is found to be nonconforming to the SFPC, the State Fire Marshal or local fire marshal may petition any court of competent jurisdiction for the issuance of an injunction. Additionally and as a condition of this code for the purposes of coordination, in localities which have elected to enforce the SFPC, the inspections designated above for assisted living facilities and public schools shall be made by the local fire marshal or by the official designated by the locality to enforce this code.</u></p>		
<p>Supporting Statement:</p> <p>The changes to the first part of the section are to match the wording in state law. At the end of the section, new language is added to have the Statewide Fire Prevention Code correlate with the state law with respect to annual inspections of assisted living facilities and public schools. The State Fire Marshal's Office typically does not inspect these facilities in areas where there is local enforcement of the code, so this provision only clarifies existing practice. If localities cannot inspect these facilities, the State Fire Marshal's Office, if requested, has authority to enforce the code cooperatively with the local enforcement agency.</p>		

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Document No. \_\_\_\_\_

Committee Action: \_\_\_\_\_

BHCD Action: \_\_\_\_\_

Submitted by: DHCD Staff (Administrative and Technical Support Office) Representing: \_\_\_\_\_

Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Regulation Title: Statewide Fire Prevention Code Section No(s): 111.0

Proposed Change:

111.1. Notice of violation : When the fire official discovers an ~~alleged~~ a violation of a ~~provision of the SFPC or other codes or ordinances under the fire official's jurisdiction~~, the fire official shall prepare a written notice citing of violation referencing the section allegedly violated, describing the condition deemed unsafe violation and specifying the time limitations period or other conditions necessary, or both, for the required abatements to be made to render the structure or premises safe and secure violation to be considered corrected, abated or remedied.

111.2. Service: The ~~written~~ notice of violation of ~~this code~~ shall be served upon the owner, a duly authorized agent or upon the occupant or other person responsible for the conditions ~~under~~ in violation. ~~Such~~ The notice shall be served either by delivering a copy of ~~same to such persons~~ by mail to the last known post office address, by delivering in person or by delivering it to and leaving it in the possession of any person in charge of the premises, or, in the case such person is not found upon the premises, by affixing a copy thereof in a conspicuous place at the entrance door or avenue of access. Such procedure shall be deemed the equivalent of personal notice.

111.3. Failure to correct violations, ~~abate or remedy violation~~ : If the ~~notice of violation~~ is not ~~complied with~~ corrected, abated or remedied within the time ~~period or in accordance with the conditions~~ specified in the notice, the fire official shall request the appropriate legal counsel of ~~the local governing body~~ to institute the appropriate necessary legal proceedings to ~~restrain, correct or abate such alleged~~ compel the correction, abatement or remedying of the violation.

111.4. Penalty: Penalties upon conviction of violating the SFPC shall ~~be~~ are as set out in § 27-100 of the Code of Virginia.

111.5. Summons: When authorized and certified in accordance with § 27-34.2 of the Code of Virginia, the fire official may, subject to any limitations imposed by the local governing body, issue a summons in lieu of a notice of violation. Fire officials not certified in accordance with § 27-34.2 of the Code of Virginia may request the appropriate law - enforcement agency ~~of the local governing body to make arrests or take other appropriate action~~ for any ~~alleged~~ violations of ~~the SFPC or orders affecting the immediate public safety this code~~.

Supporting Statement:

The first change is to provide language addressing the type of violation which can be remedied only by correcting a process or action in the future rather than being able to undo a violation which has already occurred. Examples are violations when blasting and improper dispensing, use or handling of materials. The second change is to delete the reference to the legal counsel of the local governing body and replace it with a reference to the appropriate legal counsel in recognition that the State Fire Marshal's Office would typically use the State Attorney General's Office.

## Vernon Hodge

---

**From:** Jay Hall  
**Sent:** Thursday, October 26, 2006 11:30 AM  
**To:** bhcd@dhcd.state.va.us  
**Cc:** Ron Reynolds; 'Art Tate'; 'Bo Bohannon'; Cathy Cook; Charles Vernon; David Ansel; dselph@co.middlesex.va.us; Ed Altizer; Emory Rodgers; Glenn Dean; gregoryc@chesterfield.gov; halls@chesterfield.gov; jjmessersmith@comcast.net; jmessersmith@portcement.org; Joe Honbarrier (honbarrierjb@ci.waynesboro.va.us); 'Justin Biller'; Lou Marks; Lucas, Walter; 'Paul Snyder'; R.E. "Bob" Pittenger Sr.; rebartell@co.hanover.va.us; 'Stills, Harold A.'; 'Todd Stoudt'; Tom Coghill; vernon.hodge@dhcd.virginia.gov; William King  
**Subject:** Night Club Definition

Attached are code proposals to change the definitions of Nightclubs in the USBC and SFPC. I think this is a good start, however I fully expect some comments since this is a tough issue to nail down.

For simplicity I will paste it below.

Replace the following definition

~~**NIGHTCLUB.** Any building in which the main use is a place of public assembly that provides exhibition, performance or other forms of entertainment; serves alcoholic beverages; and provides music and space for dancing.~~

-  
-

**NIGHT CLUB.** A Group A-2 occupancy where (i) exhibitions, performances or other forms of entertainment are provided, (ii) alcoholic beverages are available for purchase, and (iii) music and space for dancing are provided.

-

Supporting Statement:

To accurately define a public Night Club, we feel that the parameters of this definition should be adjusted to exclude occupancies that are used as banquet halls and Moose Clubs as well as some A-3 establishments which would have met the current definition, such as large concerts and other spectator events. "Alcoholic beverages are available for purchase" exclude those occupancies where the occupants bring there own alcohol. In addition, the current definition can be interpreted to exclude night clubs located in a motel. The main use of a motel would be an R-1, while the night club portion would be viewed as accessory or not the main use.

Jay Hall  
 Fire Protection Engineer  
 State Fire Marshal's Office  
 804-371-7157 Office  
 804-371-7092 Fax  
[jay.hall@dhcd.virginia.gov](mailto:jay.hall@dhcd.virginia.gov)

**DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM**  
(Use this form to submit changes to building and fire codes)

Address to submit to:  DHCD, the Jackson Center 501 North Second Street Richmond, VA 23219-1321  Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.state.va.us		Document No. _____  Committee Action: _____  BHCD Action: _____
Submitted by: <u>William R. Smith</u> Representing: <u>Virginia State Fire Chiefs</u>  Address: <u>2408 Courthouse Drive, Virginia Beach, VA 23456-9065</u> Phone No.: <u>757-385-8584</u>  Regulation Title: <u>Statewide Fire Prevention Code</u> Section No(s): <u>202 Definitions</u>		
Proposed Change: Add a definition for <u>night club, tavern, bar and dance hall within the Fire Prevention and Building Codes</u>		
Supporting Statement: The code uses the terminology nightclub, tavern, bar and dance hall in the building, fire and plumbing code with no clear definition as to what a nightclub, tavern, bar or dance hall is. Restaurant is clearly defined as: <i>An establishment that sells prepared food for consumption. Restaurants shall be classified as follows: Restaurant, fast food. An establishment that sells food already prepared for consumption, packaged in paper, styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.</i> The code is ambiguous when it comes to defining a night club, tavern, bar or dance hall. This is a very important definition considering the tragedy in Rhode Island and the effort put forth through the Governor's Fire and Life Safety Committee for Night Clubs. Most localities are struggling with the change from the legacy code that used the A-2 and A-3 designation to differentiate between a nightclub and a restaurant. The code refers to dance hall as (not including food or drink consumption). So what is a dance hall that serves food and drink? Adding definitions so that a code official or business owner can clearly determine the appropriate designation will reduce confusion and inconsistencies that exist across the State. In addition there is a wide range of definitions used in ABC regulations and zoning ordinances that further add to inconsistencies.		

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Document No. \_\_\_\_\_

Committee Action: \_\_\_\_\_

BHCD Action: \_\_\_\_\_

Submitted by: William R. Smith Representing: Virginia State Fire Chiefs

Address: 2408 Courthouse Drive, Virginia Beach, VA 23456-9065 Phone No.: 757-385-8584

Regulation Title: Statewide Fire Prevention Code Section No(s): 202 Definitions

Proposed Change:

Amend the definition for **overcrowding** to include the text found in the Fire Code Commentary

**OVERCROWDING.** A condition that exists when either there are more people in a building, structure or portion thereof than have been authorized or posted by the FIRE code official, or when the fire code official determines that a threat exist to the safety of the occupants due to persons sitting and/or standing in locations that may obstruct or impede the use of aisles, passages, corridors, stairways, exits or other components of the means of egress.

*This definition notes that an unsafe condition exists when the actual number of people present in a building or a building space exceeds the maximum allowable occupant load of that building or space as determined and posted on the premises by the fire code official. Section 1004 of the code would allow a maximum occupant load of one person per every 5 square feet (.5m<sup>2</sup>) of building area, as long as the egress components provide sufficient capacity for such a load. When that egress capacity is exceeded, then overcrowding exists. The definition also recognizes that, even though the number of occupants in a building or space may not be excessive, the inability of occupants to use the egress elements due to blockage by patrons is also a life safety hazard.*

Supporting Statement:

The inclusion of the text found in the Fire Code Commentary clearly explains overcrowding and the obstruction of the means of egress. When the enforcement of overcrowding enters the judicial system this definition provides for a clear understanding of what the inspector found and why the owner or operator has been cited. Having the definition within the body of the code makes it easier to introduce within the judicial system or prior to this level of enforcement it provides a clear and concise picture to the owner/operator without the need to reference another document.

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<p>Submitted by: <u>William R. Smith</u> Representing: <u>Virginia State Fire Chiefs</u></p> <p>Address: <u>2408 Courthouse Drive, Virginia Beach, VA 23456-9065</u> Phone No.: <u>757-385-8584</u></p> <p>Regulation Title: <u>Statewide Fire Prevention Code</u> Section No(s): <u>Table 405.2</u></p>	
<p>Proposed Change:</p> <p>In table 405.2 split the Group E into those facilities that have a fire sprinkler system complying with NFPA 13 to allow the frequency for Group E to quarterly. There should not be less than 4 emergency evacuation drills per year in these facilities. Schools not complying with the fire sprinkler system requirement shall remain monthly as stated in code.</p> <p>2<sup>nd</sup> option would be to only require drills every other month with not less than 5 evacuation drills per year.</p>	
<p>Supporting Statement: The fire code commentary uses a school fire that occurred in 1958. Since that time most schools have been either renovated or completely rebuilt with many having modern fire protection systems and significant changes to construction materials. The use on non-combustible or protected construction along with rated corridors and enclosed rated stairwells provides greater occupant protection. In addition many new emergencies have been introduced into the school environment, schools now do weather related drills and intruder drills. These drills along with fire drills based on this proposed frequency will still accomplish the desired response from the target audience. To require schools with modern fire protection features to comply with a code developed as a reaction to a 1958 fire causes an undue burden on teaching time. In reality, frequent drills may even desensitize the students and staff as to the significance of a true emergency.</p>	

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		Committee Action: _____
		BHCD Action: _____
Submitted by: _William J. Hall_____ Representing: VA Building and Code Officials Association Address: _P.O. Box 12164 Richmond VA 23241 Phone No.: _804-649-8471_____ Regulation Title: VA State Fire Prevention Code Section No(s): 805.1_____		

Proposed Change:

## SECTION 805 DECORATIONS AND TRIM

### 805.1 General.

In occupancies of Groups A, E, I and R-1 and dormitories in Group R-2, curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 806.2 or be noncombustible.

#### Exceptions:

1. In dwelling units and sleeping units located in dormitories of Group R-2, the permissible amount of decorative paper material, suspended from or attached to the walls shall not exceed 50 percent of the aggregate area of the walls, where the building is equipped throughout with an automatic sprinkler system in accordance with section 903.3.1.1 or 903.3.1.2.
2. In dwelling units and sleeping units located in dormitories of Group R-2, the permissible amount of decorative paper material, suspended from or attached to the walls shall not exceed 20 percent of the aggregate area of the walls, where the unit is provided with single station or multiple smoke alarms in accordance with 907.2.10.1.2.
3. In corridors located in dormitories of Group R-2, the permissible amount of decorative paper material, suspended from or attached to the walls shall not exceed 10 percent of the aggregate area of the walls.

In Groups I-1 and I-2, combustible decorations shall be flame retardant unless the decorations, such as photographs and paintings, are of such limited quantities that a hazard of fire development or spread is not present. In Group I-3, combustible decorations are prohibited.



**Supporting Statement:**

As written, the International Fire Code does not allow combustible decorations within college dormitories. This section is not only impractical but also un-enforceable. We feel that this change offers a good compromise between real life conditions and fire protection in these dormitory occupancies. Recognizing that sprinkler protection is a proven performer in stopping the spread of fire, this proposal allows for what is commonly encountered in most dorm rooms, which is approximately 50% percent of wall space covered with decorative paper material. 20% is proposed in non-sprinkled dorm rooms equipped with smoke detectors.

10% of decorations is proposed for corridors. We feel that although this is a common practice, combustible material should be limited in these areas.

Commonly, inspectors encounter fabrics and textiles hanging from ceiling and walls. This proposal would still prohibit any fabric or textile decorations as well as any combustible material being hung from the ceiling.

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<p>Submitted by: <u>William R. Smith</u> Representing: <u>Virginia State Fire Chiefs</u></p> <p>Address: <u>2408 Courthouse Drive, Virginia Beach, VA 23456-9065</u> Phone No.: <u>757-427-8584</u></p> <p>Regulation Title: <u>Statewide Fire Prevention Code</u> Section No(s): <u>904.11</u></p>	
<p>Proposed Change:</p> <p>904.11 Commercial cooking systems.</p> <p>The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems of the type and arrangement protected. Preengineered automatic dry- and wet-chemical extinguishing systems shall be tested in accordance with UL 300 and listed and labeled for the intended application. <u>Existing automatic fire extinguishing systems for commercial cooking systems shall be UL300 compliant by January 1, 2008.</u> Other types of automatic fire-extinguishing systems shall be listed and labeled for specific use as protection for commercial cooking operations. The system shall be installed in accordance with this code, its listing and the manufacturer's installation instructions. Automatic fire-extinguishing systems of the following types shall be installed in accordance with the referenced standard indicated, as follows:</p> <p><i>The date should be either 12 or 24 months past the adoption date of the 2006 code.</i></p>	
<p>Supporting Statement:</p> <p>UL 300 systems were required on Nov. 21, 1994 for all new installations. The State has allowed the non-conforming systems to remain in service as long as the system can be serviced and maintained. The larger service companies will no longer service or maintain the non-conforming systems because of liability and statements by the manufactures that those systems are no longer adequate. The systems installed prior to UL 300 were designed for the use of animal fat grease used in the deep-frying processes, the new vegetable based oils burn at a higher btu and the non UL 300 extinguishing systems are unable to extinguish a fire.</p>	

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<p>Submitted by: <u>William R. Smith</u> Representing: <u>Virginia State Fire Chiefs</u></p> <p>Address: <u>2408 Courthouse Drive, Virginia Beach, VA 23456-9065</u> Phone No.: <u>757-385-8584</u></p> <p>Regulation Title: <u>Statewide Fire Prevention Code</u> Section No(s): <u>907.9</u></p>	
<p>Proposed Change: ADD SECTION</p> <p>907.9.3</p> <p>Visible Zone Alarm Indication. If required, the location of an operated initiating device shall be visibly indicated by building, floor, fire zone, or other approved subdivision by annunciation, printout, or other approved means. The visible indication shall not be canceled by the operation of an audible alarm silencing means. All required annunciation means shall be readily accessible to responding personnel and shall be located as required by the authority having jurisdiction to facilitate an efficient response to the fire situation.</p>	
<p>Supporting Statement:</p> <p>The addition of this text provides the ability of the building and/or fire inspector to require that the areas protected by a fire alarm and fire detection system be clearly identified for the responding firefighters. Section 907.9.2 provides similar clarity for a high-rise structure. The parameters provided in the IFC section 907.7 allow for a zone to cover 22,500 square feet or a dimension up to 300' in any one direction. This becomes an extremely large area in it self to visually inspect for an alarm, this coupled with additional zones and the inability to determine where one zone stops and the other starts makes tracking down an alarm extremely time consuming. This code change will assist firefighters and will cause no undue burden or cost on the property owner or alarm company to provide this documentation during installation or during the required system maintenance.</p> <p>Example:</p> <p>The fire alarm annunciator panel shows a smoke detector in alarm in Zone 1. The diagram on the fire alarm panel should show the outside perimeter of Zone 1 and the rooms and halls within the zone so that firefighters can rapidly respond to the correct location within the structure.</p>	

Revised 5/16/2006

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<p>Submitted by: John Holland                      Representing: Virginia Propane Gas Association</p> <p>Address: Heritage Propane/ VA Propane, Fredericksburg, VA                      Phone No.: 336-659-0424</p> <p>Regulation Title: SFPC 3806.4                      Section No(s):</p>		
<p>Proposed Change:</p> <p>3806.4. DOT cylinders filled on site. DOT cylinders in stationary service that are filled on site and therefore are not under the jurisdiction of DOT either shall be requalified in accordance with DOT requirements or shall be visually inspected within 12 years of the date of manufacture <u>or within five years from the effective date of this code, whichever is later</u>, and within every five years thereafter, in accordance with the following:</p> <p>(remainder of section unchanged)</p>		
<p>Supporting Statement:</p>		

# **VIRGINIA INDUSTRIALIZED BUILDING SAFETY REGULATIONS**

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Document No. \_\_\_\_\_

Committee Action: \_\_\_\_\_

BHCD Action: \_\_\_\_\_

Submitted by: Tom Hardiman/ Jerry Brosius

Representing: Modular Building Institute

Address: 944 Glenwood Station Lane Suite 204 Charlottesville VA

Phone No.: 888-811-3288

Regulation Title: Registered Industrialized Buildings Section No(s): Section 13 VAC 5-91-110

Proposed Change:

Add item 9

9. Registered industrialized buildings may be eligible for a change of occupancy. The building owner must obtain the services of a Virginia designated compliance assurance agency. The agency must inspect the building to verify that the building complied with the codes for the new occupancy at the time of manufacture. The agency must also assure that the buildings structural, electrical, mechanical and plumbing systems have not been modified since the date of manufacture. Upon verification, the agency may apply compliance agency certification labels and a new data plate. The data plate must reflect the Virginia codes in effect at the date of manufacture and the new occupancy designation. The agency must forward copies of the inspection report and data plate to the administrator.

If the building does not comply with the codes for the new occupancy at the time of manufacture, then the agency must verify compliance with current Virginia codes. The agency must also assure that the buildings structural, electrical, mechanical and plumbing systems have not been modified since the date of manufacture. Upon verification, the agency may apply compliance agency certification labels and a new data plate. The data plate must reflect the current Virginia codes and the new occupancy designation. The agency must forward copies of the inspection report and data plate to the administrator.

Supporting Statement:

These changes will streamline the current process of requiring the administrator to review each request for certification labels on a case by case basis. The changes provide the building owners and the compliance assurance agencies with definite guidelines regarding the re-certification process.

# **DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM**

(Use this form to submit changes to building and fire codes)

Address to submit to:

DHCD, the Jackson Center  
501 North Second Street  
Richmond, VA 23219-1321

Tel. No. (804) 371 - 7150  
Fax No. (804) 371 - 7092  
Email: [bhcd@dhcd.state.va.us](mailto:bhcd@dhcd.state.va.us)

Document No. \_\_\_\_\_

Committee Action: \_\_\_\_\_

BHCD Action: \_\_\_\_\_

Submitted by: Tom Hardiman/ Jerry Brosius

Representing: Modular Building Institute

Address: 944 Glenwood Station Lane Suite 204 Charlottesville VA

Phone No.: 888-811-3288

Regulation Title: Unregistered Industrialized Buildings

Section No(s): Section 13 VAC 5-91-120

Proposed Change:

Add Section C:

C. An unregistered industrialized building may be eligible for registration under the following criteria:

1. ***The building bears the insignia of another state and/or a compliance assurance agency.*** The building owner must obtain the services of a Virginia designated compliance assurance agency. The agency must inspect the building to verify compliance with the codes in effect at the date of manufacture. The agency must also assure that the buildings structural, electrical, mechanical and plumbing systems have not been modified since the date of manufacture. Upon verification, the agency may apply Virginia registration seals, compliance agency certification labels and a new data plate. The data plate must reflect the Virginia codes in effect at the date of manufacture. The agency must forward copies of the inspection report and data plate to the administrator.
2. ***The building does not bear the insignia of another state and/or a compliance assurance agency, but factory plans are available.*** The building owner must obtain the services of a Virginia designated compliance assurance agency. The agency must review the plans to determine compliance with the Virginia codes in effect at the date of manufacture. The agency must inspect the building to verify compliance with the codes and the design. The agency must also assure that the buildings structural, electrical, mechanical and plumbing systems have not been modified since the date of manufacture. Upon verification, the agency may apply Virginia registration seals, compliance agency certification labels and a new data plate. The data plate must reflect the Virginia codes in effect at the date of manufacture. The agency must forward copies of the inspection report and data plate to the administrator.
3. ***The building does not bear the insignia of another state and/or a compliance assurance agency.*** The building owner must obtain the services of a Virginia designated compliance assurance agency. The agency must inspect the building to determine the construction characteristics. Structural framing members and fasteners must be verified along with the installation of the electrical, mechanical and plumbing systems. This inspection will require removal of wall and roof panels to provide access to the closed construction elements. The number of panels to be removed will be at the discretion of the compliance assurance agency.  
The agency must analyze the inspection findings to determine the design loads and to determine compliance with the codes in effect at the time of manufacture. Upon determination, the agency may apply Virginia registration seals, compliance agency certification labels and a new data plate. The data plate must reflect the Virginia codes in effect at the date of manufacture. The agency must forward copies of the inspection reports and data plate to the administrator.

Add Section D.

An unregistered industrialized building may be eligible for a change of occupancy under the criteria listed in Section C and under item number 9 in Section 13 VAC 5-91-110.

Supporting Statement:

These changes will streamline the current process of requiring the administrator to review each request for certification labels on a case by case basis. The changes provide the building owners and the compliance assurance agencies with definite guidelines regarding the re-certification process.